

July 15, 2008

FILED

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

2008 AUG 11 PM 12:29

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Request for Modifying the Conditions of Pretrial Release DEPUTY

Name of Defendant: Bernardo Chavez (English)

Dkt No.: 08CR1840WQH-001

Reg. No.: 06280-298

Name of Judicial Officer: The Honorable William Q. Hayes, U.S. District Judge

Date Conditions Were Ordered: May 9, 2008, before the Honorable Peter C. Lewis, U.S. Magistrate Judge

Conditions of Release: a travel restriction to the state of California; report for supervision to Pretrial Services; not possess or use any narcotic drug or other controlled substance without a valid medical prescription; and not possess any dangerous weapon or explosive device.

Modification: On May 29, 2008, the defendant was ordered to submit to treatment, and/or testing, as specified by the Pretrial Services Officer for drugs or alcohol.

Date Released on Bond: May 20, 2008

Charged Offense: 21 USC 952 & 960: Importation of 25.12 kilograms of Marijuana

Next Court Hearing: Sentencing on September 15, 2008, at 9:00 a.m.

AUSA: George Manahan
(619) 557-7174

Defense Counsel: Jami L. Ferrera (Appointed)
(619) 239-4344

PETITIONING THE COURT

TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:

PRAYING THE COURT WILL MODIFY THE CONDITIONS OF RELEASE AND ORDER THE DEFENDANT TO PARTICIPATE IN AND SUCCESSFULLY COMPLETE AN OUTPATIENT DRUG TREATMENT PROGRAM AT THE DIRECTION OF THE PRETRIAL SERVICES OFFICER.

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CAUSE

Mr. Chavez appeared before the Honorable Nita L. Stormes, on June 20, 2008, and tendered a guilty plea to the Information. Afterwards, the defendant reported to the San Diego Office and submitted a urine specimen, which tested positive for amphetamines/methamphetamine. On June 24, 2008, the defendant was questioned via telephone regarding the positive urine sample. Initially, Mr. Chavez denied any illicit drug use, then later in the conversation, admitted smoking methamphetamine on Tuesday June 17, 2008. Mr. Chavez adamantly insisted he would never use illicit drugs again and he believed he deserved another chance. The defendant's assigned officer in the Eastern District of California (Fresno office) indicated the defendant has since submitted two urinalysis specimens, specifically on June 23, 2008, and June 27, 2008, which have screened negative results.

Mr. Chavez's behavior clearly demonstrates his failure to abstain from illicit drug use while on bond. At this time, Pretrial Services recommends the Court hold action in abeyance and recommend the defendant be ordered to enter and complete an outpatient drug treatment program in the Eastern District of California at the direction of Pretrial Services.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 15, 2008

Respectfully submitted:

by Silvana Patton
Silvana Patton
United States Pretrial Services Officer
(619) 446-3617
Place: San Diego

Reviewed and approved:

Boris Ilic
Boris Ilic
Supervising U.S. Pretrial Services Officer

Attachments

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Name of Defendant: BERNARDO CHAVEZ
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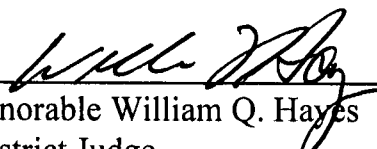
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THE COURT ORDERS:

 AGREE: Hold action in abeyance and order the defendant to participate in and successfully complete an outpatient drug treatment program at the direction of Pretrial Services.

 Refer this matter to U.S. Magistrate Judge Nita L. Stormes for further review and consideration.

 Other _____


The Honorable William Q. Hayes
U.S. District Judge

7/22/08
Date